

**A RESOLUTION BY**

**CITY UTILITIES COMMITTEE**

**02- R-1344**

**A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF ONE HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$127,500.00) PURSUANT TO THE FIRST AMENDED CONSENT DECREE, CIVIL ACTION FILE NO. 1:98-CV-1956-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.**

**WHEREAS**, on July \_\_, 2002 the Georgia Environmental Protection Division (EPD) and the United States Environmental Protection Agency (EPA) made a written demand on the City for stipulated penalties concerning violations of the First Amended Consent Decree (1:98-CV-1956-TWT) consisting of 225 spills from the collection system of that 139 spills to water and 86 spills to dry land all occurring during the First Quarter of 2002; and

**WHEREAS**, under the First Amended Consent Decree the City is subject to stipulated penalties for sanitary sewer overflows (SSOs) to waters and dry land (1<sup>st</sup> Quarter 2002); and

**WHEREAS**, the Department of Public Works of the City does not dispute the fact that these violations did occur; and

**WHEREAS**, the payment to EPD and EPA of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

**WHEREAS**, funds for this purpose are available in account number 2J01-529017-M51001; and

**WHEREAS**, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.

**NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA as follows:**

**Section One:** That the Chief Financial Officer of the City is authorized to issue checks in the amounts of Sixty Three Thousand Seven Hundred Fifty Dollars and 00/100 (\$63,750.00) payable to the **State of Georgia** and Sixty Three Thousand Seven Hundred Fifty Dollars (\$63,750.00) payable to the **Treasurer, United States of America** as stipulated penalties imposed pursuant to the First Amended Consent Decree at the discretion of the Environmental Protection Agency and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia; and

**Section Two:** That the Chief Financial Officer is authorized to pay interest due, if any, on the said stipulated penalties in accordance with the Consent Decree and First Amended Consent Decree; and

**Section Three:** That the said payments be chargeable to Account Number 2J01 529017 M51001.

# TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE \_\_\_\_\_ GREG PRIDGEION \_\_\_\_\_

(For review & distribution to Execution Management)

Commissioner's Signature: [Signature] Director's Signature \_\_\_\_\_  
NAK-H

From: Origination Dept. PUBLIC WORKS Contact (name): Ben Taube x 6752 or  
David W. Peters x 6073

Committee(s) Purview: City Utilities Committee Committee Deadline:

Committee(s) Meeting Dates: July 30, 2002 City Council Meeting Date: August 5, 2002

## CAPTION:

A resolution to authorize payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of one hundred twenty-seven thousand five hundred and 00/100 dollars (\$127,500.00) pursuant to the First Amended Consent Decree, Civil Action File No. 1:98-CV-1956-TWT; to identify the source of funding; and for other purposes.

## BACKGROUND/PURPOSE/DISCUSSION:

The Georgia Environmental Protection Division (EPD) and the United States Environmental Protection Agency (EPA) made a written demand on the City for stipulated penalties concerning violations of the First Amended Consent Decree (1:98-CV-1956-TWT).

## FINANCIAL IMPACT (If Any):

Mayor's Staff Only

Received by Mayor's Office: 7/19/02 Reviewed by: [Signature]  
(date) (initials) (date)

Submitted to Council: \_\_\_\_\_

Action by Committee: Approved \_\_\_\_\_ Adverse \_\_\_\_\_ Held \_\_\_\_\_ Amended \_\_\_\_\_

Substitute \_\_\_\_\_ Referred \_\_\_\_\_ Other \_\_\_\_\_